

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 746

Introduced by D. Pederson, 42; Brashear, 4; Chambers, 11

Read first time January 19, 2005

Committee: Appropriations

A BILL

- 1 FOR AN ACT relating to appropriations; to state intent; to create a
- 2 fund; to provide for grants to civil legal services
- 3 providers; and to appropriate funds.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. It is the intent of the Legislature to expand
2 the capacity to provide civil legal services to eligible low-income
3 persons equally throughout the state.

4 Sec. 2. For purposes of sections 1 to 4 of this act, the
5 definitions found in section 25-3001 apply.

6 Sec. 3. The Civil Legal Services Fund is created. Money
7 in the fund shall be used to provide civil legal services to
8 eligible low-income persons. The State Court Administrator shall
9 distribute money in the fund in the form of grants pursuant to
10 section 4 of this act. Any money remaining in the fund at the end
11 of a calendar year shall be distributed in the following calendar
12 year. Money in the fund available for investment shall be invested
13 by the state investment officer as provided in the Nebraska Capital
14 Expansion Act and the Nebraska State Funds Investment Act.

15 Sec. 4. (1) The State Court Administrator shall
16 establish guidelines for submission of applications for grants to
17 provide civil legal services to eligible low-income persons. To be
18 eligible for a grant under this section, a civil legal services
19 provider shall:

20 (a) Be a nonprofit organization chartered in Nebraska;

21 (b) Employ or contract with attorneys admitted to
22 practice before the Nebraska Supreme Court and the United States
23 District Courts;

24 (c) Have offices located throughout the state;

25 (d) Have as its principle purpose and mission the
26 delivery of civil legal services to eligible low-income persons who
27 are residents of Nebraska;

28 (e) Distribute its resources equitably throughout the

1 state;

2 (f) Be a recipient of financial assistance for the
3 delivery of civil legal services from the Legal Services
4 Corporation established by the federal Legal Services Corporation
5 Act, 42 U.S.C. 2996 et seq.; and

6 (g) Certify that any grant funds received pursuant to
7 this section will be used to supplement any existing funds used by
8 the applicant and that such funds will not replace other funds
9 appropriated or awarded by a state agency to provide civil legal
10 services to any eligible low-income person.

11 (2) A civil legal services provider seeking a grant under
12 this section shall file an application with the State Court
13 Administrator on forms provided by the Administrator. The
14 application shall include a place for the provider to certify to
15 the administrator that it will provide free civil legal services to
16 eligible low-income persons upon receipt of a grant under this
17 section.

18 (3) The State Court Administrator shall review the
19 applications and determine which civil legal services providers
20 shall receive grants under this section and the amount of the
21 grants. Grant recipients shall use the grant funds to provide free
22 civil legal services to eligible low-income persons.

23 (4) An independent certified public accountant shall
24 annually audit the books and accounts of each grant recipient. The
25 grant recipients shall provide the results of such audit to the
26 State Court Administrator.

27 Sec. 5. There is hereby appropriated (1) \$XXX from the
28 Civil Legal Services Fund for FY2005-06 and (2) \$XXX from the Civil

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1 Legal Services Fund for FY2006-07 to the State Court Administrator,
2 for distribution in the form of grants to service providers of
3 civil legal services to eligible low-income persons pursuant to
4 sections 1 to 4 of this act.